

Deputy Secretary of Defense William J. Lynn, III, Message to DoD Workforce on Potential Government Shutdown

“The Department remains hopeful that a government shutdown will be averted. The President has made it clear that he does not want a government shutdown, and the Administration is working to find a solution with which all sides can agree. However, prudent management requires that we plan for an orderly shutdown should Congress be unable to pass a funding bill before our current funding expires on April 8.

The President and the Secretary know that the uncertainty of the current situation puts federal employees in a difficult position, and are very much aware that a shutdown would impose hardships on our military and civilian personnel as well as our military families. As we approach the expiration of the current continuing resolution, we will provide you with updated information as soon as it becomes available. For now, I want to provide you with information on how the potential shutdown – should it occur -- will impact our military and civilian personnel.

DoD Operations during a shutdown

Operations and activities that are essential to safety, protection of human life, and protection of our national security, are “excepted” from shutting down. The Defense Department will continue to conduct activities in support of our national security, including operations in Iraq, Afghanistan, and Japan; Libya-related support operations; and other operations and activities essential to the security of our nation. The Department must also continue to provide for the safety of human life and protection of property.

Other excepted activities will include inpatient and essential outpatient care in DoD Medical Treatment facilities; emergency dental care; non-appropriated funds activities such as mess halls and child care activities; certain legal activities to support ongoing litigation and legal assistance for deployed DoD personnel; contracting and logistics operations that are in support of excepted activities; certain education and training activities to include the DoD Education Activity schools; and financial management activities necessary to ensure the control and accountability of funds.

In the absence of appropriations, non-excepted activities that have not already been fully funded will need to be shut down in an orderly fashion. In accordance with existing laws and regulations, I will issue more detailed guidance to the Department regarding specific activities that are considered excepted or non-excepted. However, the Secretary and I understand that the military departments and defense agencies and individual commanders must tailor this guidance to many different situations around the world. Therefore, should there be a government shutdown, DoD personnel will be informed through their chain of command about how a shutdown may affect them personally.

Duty Status

Military personnel are not subject to furlough and will report for duty as normal during the shutdown. Reserve component personnel should refer to the DoD Contingency Guidance document and to their chain of command for more specific information.

Civilian personnel deemed to be performing excepted activities will continue to work during the period of a shutdown.

If there is a government shutdown beginning on Saturday, April 9, all DoD personnel should still report to work on their next scheduled duty day, beginning at their normal duty hours to receive additional instructions.

Civilians will be briefed by their supervisors by Friday April 8th, as to whether their work and responsibilities fall into excepted or non-excepted status, as defined by applicable laws and regulations. Excepted status categories are outlined in the DoD Contingency Guidance document, which is being distributed through the chain of command. If their work and responsibilities are non-excepted, or if they are not needed to carry out excepted work and responsibilities, employees will be furloughed in a non-pay status. Furloughed employees may not telework or volunteer to work.

Generally, contractors performing work on contracts funded prior to a shutdown, whether supporting excepted activities or not, may continue working and will be paid out of the obligated funds, subject to further direction from the contracting officer. New contracts, or increases in funding of existing contracts, needed to support excepted activities may be entered into during the period of a shutdown, but payments under such contracts cannot be made until Congress provides additional funding. Contract personnel should also report to work on Monday April 11 to be briefed on their status.

Military, Civilian, and Retiree Pay

If the government shuts down due to the absence of funding, the Department of Defense will have no funds to pay military members or civilian employees for the days during which the government is shut down. However, both military and civilian personnel will receive pay for the period worked prior to the shutdown. Military personnel, and civilians occupying excepted status positions and required to work, are entitled to be paid for work performed during the shutdown, and will be paid retroactively once the Department receives additional funding. Congress would have to provide authority in order for the Department to retroactively pay non-excepted employees for the furloughed period.

Military retirees and annuitants are not paid from annually appropriated funds, and therefore their benefits should continue without interruption.

Additional Resources

The Office of Personnel Management (OPM) has created a document to address some of the questions that I know must be on your mind. The document can be accessed at www.opm.gov/furlough2011. OPM will provide additional pertinent information for federal employees as the week progresses.

The Department's leadership will do our very best to provide clear information about the status of events as the week progresses. Additional information regarding military and DoD civilian pay, leave, and other DoD policies applicable to a potential shutdown will be posted on the Department's main website as soon as it becomes available.

Thanks to the hard work and dedication of all of you, the Department of Defense provides critical services to the American public. Your contributions touch people's lives in so many significant ways, and I want you to know how deeply I appreciate your dedication and your expertise. Our decisions concerning which functions are excepted or not excepted are based on government-wide legal, regulatory, and policy guidance as well as our best judgment on how to reconcile our national security requirements with the limitations imposed by a government shutdown. The fact that certain functions are not excepted or that certain personnel may be subject to furlough should not be taken as a statement that the Secretary or I or the Department do not value those functions or employees. Thank you for your continued service to the Department and the Nation."